

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DELAINO GARLAND,)	
)	
Plaintiff,)	
vs.)	No. 3:16-CV-1287-N-BH
)	
CHIEF U.S. MARSHAL, et al.,)	
)	
Defendants.)	Referred to U.S. Magistrate Judge

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and any objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court. Although the plaintiff has now filed an amended complaint, received December 6, 2016 (doc. 22), it does not change the fact that a finding in his favor on his various claims for monetary damages based on the alleged miscalculation of his sentence would necessarily imply its invalidity. Nor does it demonstrate that his allegedly improper incarceration has been reversed, invalidated, or expunged prior to bringing this action for monetary damages. The case will be dismissed with prejudice by separate judgment until the plaintiff satisfies the conditions in *Heck v. Humphrey*, 512 U.S. 477 (1994). The *Motion to Intervene and/or Implead*, received June 10, 2016 (doc. 12), is denied as moot.

SIGNED this 8th day of December, 2016.


UNITED STATES DISTRICT JUDGE